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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/880,101   | 06/14/2001  | Etienne Gomez        | P07261US00/RFH      | 3826             |
| 881  | 7590        | 05/19/2005           | EXAMINER            |                  |
| STITES & HARBISON PLLC<br>1199 NORTH FAIRFAX STREET<br>SUITE 900<br>ALEXANDRIA, VA 22314 |             |                      | HOSSAIN, FARZANA E  |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2616                |                  |

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/880,101             | GOMEZ, ETIENNE      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Farzana E. Hossain     | 2616                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02-06-02</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This application is in condition for allowance except for the following formal matters:

#### ***Drawings***

- a. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

- b. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of unnumbered parts in Figure 5. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

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Figure 5 has a reference to the processing unit in the specification as number 22. The processing unit is not numbered or shown on Figure 5. The specification also refers to the server as number 10 on and the network as number 12 in Figure 5. However, these numbers are not located in Figure 5. Please make the appropriate corrections.

### ***Specification***

c. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.

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- (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
  - (g) BRIEF SUMMARY OF THE INVENTION.
  - (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
  - (i) DETAILED DESCRIPTION OF THE INVENTION.
  - (j) CLAIM OR CLAIMS (commencing on a separate sheet).
  - (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
  - (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).
- d. The specification needs to make minor corrections. The following are suggestions.
- i. Page 5, line 8, "..alla.." should be replaced with "all,"
  - ii. Page 7, line 18, "..for stating watching..." should be replaced with "to start watching,"
  - iii. Page 7, line 19, "..during watching.." to "during the time a given program was watched"
  - iv. Page 6, line 25, "..nedd.." should be need.
- e. The specification, on Page 3, line 3, recites "said time intervals." There is insufficient antecedent basis for this in the specification. Consequently, "said time intervals" should be replaced with "said staggered time intervals."
- f. The specification, on Page 3, line 7, recites "the staggered interval." There is insufficient antecedent basis for this in the specification. Consequently, "the staggered interval" should be replaced with "the staggered time interval."
- g. The specification, on Page 3, line 24, recites "said endbox." There is insufficient antecedent basis for this in the specification. Consequently, the "said endbox" should be replaced with "said view boxunit" or "said view box unit."
- h. The specification, on Page 4, line 15, recites "the staggered interval." There is insufficient antecedent basis for this in the specification. Consequently, "the staggered interval" should be replaced with "the staggered time interval."

***Claim Rejections - 35 USC § 112***

- i. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 - 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation, "said time intervals" on page 10, line 14. There is insufficient antecedent basis for this limitation in the claim. Consequently, "said time intervals" should be replaced with "said staggered time intervals."

Claim 1 recites the limitation, "the staggered interval" on page 10, line 19. There is insufficient antecedent basis for this limitation in the claim. Consequently, "the staggered interval" should be replaced with "the staggered time interval."

Claim 4 recites the limitation "said endbox" on page 10, line 31. There is insufficient antecedent basis for this limitation in the claim. Consequently, the "said endbox" should be replaced with "said view box boxunit" or "said view box unit."

Claim 4 recites the limitation, "the staggered interval" on page 10, line 16. There is insufficient antecedent basis for this limitation in the claim. Consequently, "the staggered interval" should be replaced with "the staggered time interval."

Claims 2, 3 and 5 are rejected for being dependent on a rejected base claim.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Allowable Subject Matter***

2. Claims 1-5 would be allowable if claims 1 and 4 are rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

3. The following is an examiner's statement of reasons for allowance: The reference Ebisawa (US 6,144,400) discloses a method and a system for video on demand (VOD). Ebisawa discloses that the system will transmit a number of video programs at staggered time intervals from a transmitting apparatus to a receiving apparatus. Ebisawa discloses that a set of programs have a transmitted beginning portion stored temporarily on a storage medium located in the receiving apparatus. Ebisawa discloses that the receiving apparatus will display the program selected by a viewer and continuously reproduce the segments transmitted from the transmitting apparatus at staggered intervals. Neither Ebisawa nor the prior art teaches or suggests a VOD system comprising the step "characterized in that all different video programs in a same set are transmitted with time shifts equal to a fraction of the staggered interval."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 11, 2005  
FEH

  
VIVEK SRIVASTAVA  
PRIMARY EXAMINER